

AMENDED IN SENATE AUGUST 18, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1822

Introduced by Assembly Member Swanson

February 11, 2010

~~An act to amend Sections 4600.5, 4602, 4602.5, 4603, 4604, and 4612 of the Business and Professions Code, relating to~~ *An act to amend Section 4600.5 of the Business and Professions Code, relating to* massage therapy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1822, as amended, Swanson. Massage therapy.

Existing law, until January 1, 2016, provides for the voluntary certification of massage practitioners and massage therapists by a nonprofit Massage Therapy Organization, ~~as defined that is~~ and governed by a board of directors, and imposes certain duties on that organization. ~~Existing law prohibits a city, county, or city and county from enacting an ordinance that requires a certificate holder to obtain any other license, permit, or other authorization to engage in the practice of massage. Notwithstanding that prohibition, existing law authorizes a city, county, or city and county to adopt and enforce any local~~

~~ordinance governing zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses.~~

~~This bill would add 2 members to the board of directors of the Massage Therapy Organization who would be selected by specified peace officer associations, and would limit the number of law enforcement professionals that may serve on the board of directors. The bill would also clarify that a city, county, or city and county is authorized to require a specified background check of any owner or operator of a massage establishment who is not certified to practice massage by the organization.~~

~~Existing law provides that the organization is authorized to take any reasonable actions to carry out the responsibilities set forth in the massage therapy provisions, including, but not limited to, issuing certificates to practice massage and disciplining certificate holders for unprofessional conduct.~~

~~This bill would authorize the organization to establish a definition of “unprofessional conduct” for purposes of discipline, as specified.~~

~~Existing law requires the organization to provide specified information concerning certificate holders upon request of local law enforcement or governmental agencies.~~

~~This bill would also require the organization to provide that information with respect to a certificate applicant.~~

~~This bill would make other technical and conforming changes.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 4600.5 of the Business and Professions
2 Code is amended to read:

3 4600.5. (a) A Massage Therapy Organization, as defined in
4 subdivision (e) of Section 4600, shall be created and shall have
5 the responsibilities and duties set forth in this chapter. The
6 organization may take any reasonable actions to carry out the
7 responsibilities and duties set forth in this chapter, including, but
8 not limited to, hiring staff and entering into contracts.

9 (b) (1) The organization shall be governed by a board of
10 directors made up of two representatives selected by each
11 professional society, association, or other entity, whose
12 membership is comprised of massage therapists and that chooses

1 to participate in the organization. To qualify, a professional society,
2 association, or other entity shall have a dues-paying membership
3 in California of at least 1,000 individuals for the last three years,
4 and shall have bylaws that require its members to comply with a
5 code of ethics. The board of directors shall also include each of
6 the following persons:

7 (A) One member selected by each statewide association of
8 private postsecondary schools incorporated on or before January
9 1, 2010, whose member schools have together had at least 1,000
10 graduates in each of the previous three years from massage therapy
11 programs meeting the approval standards set forth in subdivision
12 (a) of Section 4600, except from those qualifying associations that
13 choose not to exercise this right of selection.

14 (B) One member selected by the League of California Cities,
15 unless that entity chooses not to exercise this right of selection.

16 (C) One member selected by the California State Association
17 of Counties, unless that entity chooses not to exercise this right of
18 selection.

19 (D) One member selected by the Director of Consumer Affairs,
20 unless that entity chooses not to exercise this right of selection.

21 (E) One member appointed by the *Chancellor's Office of the*
22 ~~California Community College Chancellor's Office~~ *Colleges*,
23 unless that entity chooses not to exercise this right of selection.
24 The person appointed, if any, shall not be part of any massage
25 therapy certificate or degree program.

26 ~~The~~
27 (F) *One member selected by the California Police Chiefs*
28 *Association, unless that entity chooses not to exercise this right of*
29 *selection.*

30 (G) *One member selected by the California State Sheriffs'*
31 *Association, unless that entity chooses not to exercise this right of*
32 *selection.*

33 (2) The organization's bylaws shall establish a process for
34 appointing other professional directors as determined by the board.

35 ~~(2)~~
36 (3) The initial board of directors shall establish the organization,
37 initiate the request for tax-exempt status from the Internal Revenue
38 Service, and solicit input from the massage community concerning
39 the operations of the organization. The initial board of directors,
40 in its discretion, may immediately undertake to issue the certificates

1 authorized by this chapter after adopting the necessary bylaws or
2 other rules, or may establish by adoption of bylaws the permanent
3 governing structure prior to issuing certificates.

4 (c) The board of directors shall establish fees reasonably related
5 to the cost of providing services and carrying out its ongoing
6 responsibilities and duties. Initial and renewal fees shall be
7 established by the board of directors annually.

8 (d) The meetings of the organization shall be subject to the rules
9 of the Bagley-Keene Open ~~Meetings~~ *Meeting* Act (Article 9
10 (commencing with Section 11120) of Chapter 1 of Part 1 of
11 Division 3 of Title 2 of the Government Code).

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14 **All matter omitted in this version of the bill**
15 **appears in the bill as amended in the**
16 **Senate June 23, 2010. (JR11)**
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